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EXAMINER

VAUGHN, GREGORY J

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/087,158	<b>Applicant(s)</b> STOCKER ET AL.	
	<b>Examiner</b> GREGORY J. VAUGHN	<b>Art Unit</b> 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-16 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-16 and 19-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/11/2009</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Action Background***

1. This action is responsive to the applicant's Request for Continued Examination filed on 2/11/2009. It should be noted that this Request for Continued Examination was filed with a Request for Suspension of Action indication, wherein the suspension was for a period of three months. The suspension expired on 5/11/2009.
2. No claims are amended with this response. No arguments are presented with this response.
3. Claims 1-3, 5-16 and 19-26 are pending in the case, claims 1 and 14 are independent claims.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*"(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."*
5. Claims 1-3, and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinard et al., US Patent 5,940,834, filed 3/13/1997, patented 8/17/1999

(hereinafter Pinard), in view of Graham et al. US Publication 2004/0205537, filed 10/19/2001, published 10/14/2004 (hereinafter Graham), and in further view Alcorn et al., US Patent 6,988,138, filed 6/30/2000, patented 1/17/2006, (hereinafter Alcorn).

6. **Regarding independent claim 1**, Pinard discloses a personal web page generator. Pinard recites: *"The web page generator of the present invention provides automatic web page creation of an organizational directory"* (column 1, lines 52-53). Pinard discloses an application server in Figure 1 at reference sign 120. Pinard discloses the management of content. Pinard recites: *"The directory application in the preferred embodiment may be written in any appropriate computer language that provides for data entry and control, and storage of information"* (column 4, lines 12-16). Pinard discloses the use of a web page template. Pinard recites: *"creating and saving a member web page template and parent web page template each containing fields for storing specific information"* (column 2, lines 4-6).

Pinard discloses a database of personal data. Pinard recites: *"inputting member information into a directory database for each of a plurality of members"* (column 2, lines 7-8). Pinard discloses a database for members of a sales force in Figure 4A at reference sign 325 (shown as *"Sales Manager"*). Pinard discloses in Figure 1, the database (shown at reference sign 125) in communication with the application server (shown at reference sign 120).

Pinard discloses the population of the template with the data from the database. Pinard recites: *"for each of the plurality of members replacing the fields in the*

*member web page template with the member information and saving the member web page template with the fields replaced with the member information as a member specific web page” (column 2, lines 11-15). Pinard discloses the web page accessible through a publicly distributed network. Pinard recites: “Directory web pages generated by the present invention are stored in computer memory 130 of web server 110 and are made accessible to local user 160 and/or remote user 170 at the discretion of the administrator of the web server 110” (column 3, lines 55-58).*

Pinard discloses a webpage generating system using a template from an application server combined with data from a personal database as described above. Pinard fails to disclose a personal database that tracks the employment status of the member and using the status to affect the functionality of the system. Graham teaches the capture and use of the member employment status. Graham recites: *“User management process 208 may be used to create, update, and access the information in the user records. As indicated above, this information may include personal information relating to the user, such as the user's name, address, date of birth, gender, social security number, etc., employment data relating to the user, such as the user's employment status (active, retired, fired, etc.)” (page 3, paragraph 32).*

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to capture and use the employment status of a member as taught by Graham with Pinard's personal web page system in order to

*“control access to intellectual property, facilitate use and integration of the intellectual property”* (Graham, page1, paragraph 12).

Pinard and Graham disclose a webpage generating system using a template from an application server combined with data from a personal database, where the personal database tracks the employment status of the member and using the status to affect the functionality of the system as described above. Graham’s capture and use of employment status information to control functionality of the system fails to explicitly teach using the information to control access by disabling the web page from any viewing on the network.

Alcorn is directed toward an Internet-based education support system where educators can generate web pages to provide on-line classes. Alcorn discloses a database that maintains student and web page information, and a server that provides web pages to system users (see Figure 1). Alcorn discloses the use of a database to maintain student status indicators that control the ability to access the online educational web pages. Alcorn recites: *“Selection of the Tool Availability link will display a web page that will allow the instructor to enable or disable the student tools and communication functions for that course (i.e. email, discussion board, virtual chat, student roster, group pages, student dropbox, edit homepage, personal information, calendar, grades, tasks, electric blackboard, student manual, and course search)”* (column 21, lines 2-8).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to combine the personal web page system of Pinard

and Graham with the database control access of Alcorn in order to use a database to disable specific web pages because databases are frequently used to store access control information for content including web page content.

7. **Regarding dependent claim 2**, Pinard discloses in Figure 1 the use of a production server (shown at reference sign 110 as “*Web Server*”) in communication (the connection shown at reference sign 140) with the application server (shown at reference sign 120). Pinard disclose the production server generating and storing web pages. Pinard recites: “*FIG. 1, web server 110 is connected to local area network 140. Web server 110 is a standard Internet or Intranet computing machine, as is well known in the art, that is capable of displaying web pages of Hypertext Markup Language (HTML) format. HTML is a markup system used to create Hypertext documents*” (column 3, lines 33-38).

8. **Regarding dependent claim 3**, Pinard discloses the use of an additional server in Figure 1 at reference sign 180 (Shown as PBX). Pinard discloses the use of the PBX to generate web pages. Pinard recites: “*PBX 180 from a local user 160 or remote user 170 may be provided for enhanced telephony notification and control via the web pages generated by the method of the present invention. This allows for additional functionality and features such that a sophisticated organizational web page directory may be generated by the method of the present invention*” (column 9, lines 34-40).

9. **Regarding dependent claim 5**, Pinard discloses biographical information as personal data in Figure 4A at reference sign 320 (shown as “Title”).
10. **Regarding dependent claim 6**, Pinard discloses photos as personal data. Pinard recites: “*the directory application can be programmed to prompt the administrator to include a picture*” (column 4, lines 66-67).
11. **Regarding dependent claim 7**, Pinard discloses in Figure 8 at reference signs 715 and 798 a plurality of members.
12. **Regarding dependent claim 8**, Pinard discloses in Figure 4A at reference signs 330, 340 and 350 point of contact information.
13. Claims 9-16 and 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinard in view of Graham in further view Alcorn in further view of Kitain et al, US Patent 5,864,871, filed 1/28/1997, patented 1/26/1999.
14. **Regarding dependent claim 9**, Pinard, Graham and Alcorn disclose a webpage generating system using a template from an application server combined with data from a personal database as described above. Pinard, Graham and Alcorn fail to disclose the information stored in the database as a business philosophy. Kitain discloses the storage and use of a business philosophy. Kitain recites: “*The actual contents (e.g., the corporate information) and the format of the actual contents as displayed in the contents frame is determined by the corporation itself. Thus, the “look and feel” of the actual contents may mirror the corporation’s annual report*”



*and/or reflect the style, philosophy and vision of the corporation as seen by the corporation” (column 8, lines 1-6).*

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to use the business philosophy in the web page as taught by Kitain with personal web page system of Pinard, Graham and Alcorn in order to *“provide the investors, portfolio managers and traders with additional information that would be useful in making investment decisions and recommendations”* (Kitain, column 4, lines 15-18).

15. **Regarding dependent claims 10 and 11,** Pinard, Graham and Alcorn disclose a webpage generating system using a template from an application server combined with data from a personal database as described above. Pinard, Graham and Alcorn fail to disclose the use of live information (claim 10), where the live information is news reports (claim 11). Kitain discloses the use of live information as news reports. Kitain recites: *“In the representative embodiment, the contributor workstations execute a program called Multex Contributor.TM, described in detail in the user manual titled “MX Contributor--User Guide” available from Multex Systems, Inc. of New York, N.Y. and expressly incorporated herein by reference. The Multex Contributor.TM. program is a real-time Windows-based document indexing and transfer program used to disseminate reports”* (column 11, lines 55-62).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to use live information in the web page as taught by Kitain with the personal web page system of Pinard, Graham and Alcorn in order to

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*“provide the investors, portfolio managers and traders with additional information that would be useful in making investment decisions and recommendations”* (Kitain, column 4, lines 15-18).

16. **Regarding dependent claim 12**, Pinard, Graham and Alcorn disclose a member webpage generating system using a template from an application server combined with data from a personal database as described above. Pinard, Graham and Alcorn fail to disclose the members as being members of a sales force of an investment broker. Kitain discloses an investment broker sales force. Kitain recites: *“As used herein, the terms “investor” and “user” include any end user who is permitted to receive or access information via the present invention, such as, for example, customers of brokerage and investment banking firms, employees of brokerage and investment banking firms, investment advisors, brokers, bankers, portfolio and fund managers, journalists, analysts, economists, university professors, MBA students, etc”* (column, 11, lines 35-42).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to use financial consultant member information of a retail investment broker organization in the web page as taught by Kitain with the personal web page system of Pinard, Graham and Alcorn in order to *“provide the investors, portfolio managers and traders with additional information that would be useful in making investment decisions and recommendations”* (Kitain, column 4, lines 15-18).

17. **Regarding dependent claim 13**, Pinard, Graham and Alcorn disclose a webpage generating system using a template from an application server combined with data from a personal database as described above. Pinard, Graham and Alcorn fail to disclose the web page containing information about products. Kitain discloses the use of information of products: *“a corporation wishes to provide information on a controlled basis. For example, the corporation may want to provide information (e.g., detailed financial data or specialized product information)”* (column 4, lines 48-51).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to use product information in the web page as taught by Kitain with the personal web page system of Pinard, Graham and Alcorn in order to *“provide the investors, portfolio managers and traders with additional information that would be useful in making investment decisions and recommendations”* (Kitain, column 4, lines 15-18).

18. **Regarding independent claim 14**, the significant portion of the claim is directed toward a method for the system of claim 1, and is rejected using the same rationale. Claim 14 is additionally directed toward updating the personal web page. Pinard, Graham and Alcorn fail to disclose updating the web page. Kitain discloses updating the web page. Kitain recites: *“According to this embodiment, corporate information is acquired, indexed and updated”* (column 42, lines 64-65).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to update the web page as taught by Kitain with the personal web page system of Pinard, Graham and Alcorn in order to *“provide the*

*investors, portfolio managers and traders with additional information that would be useful in making investment decisions and recommendations” (Kitain, column 4, lines 15-18).*

19. **Regarding dependent claim 15**, the claim is directed toward a method for the system of claim 12, and is rejected using the same rationale.

20. **Regarding dependent claim 16**, Pinard, Graham and Alcorn disclose a webpage generating system using a template from an application server combined with data from a personal database as described above. Pinard, Graham and Alcorn fail to disclose the web page being approved prior to release. Kitain discloses the approval prior to release. Kitain recites: *“The corporation will then review and approve the final editorialized corporate template”* (column 43, lines 34-35).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to review and approve the web page as taught by Kitain with the personal web page system of Pinard, Kitain and Alcorn in order to *“provide the investors, portfolio managers and traders with additional information that would be useful in making investment decisions and recommendations”* (Kitain, column 4, lines 15-18).

21. **Regarding dependent claim 19**, the claim is directed toward a method for the system of claim 7, and is rejected using the same rationale.

22. **Regarding dependent claim 20**, the claim is directed toward a method for the system of claim 5, and is rejected using the same rationale.

23. **Regarding dependent claim 21**, the claim is directed toward a method for the system of claim 6, and is rejected using the same rationale.
24. **Regarding dependent claim 22**, Pinard discloses in Figure 4A at reference signs 325 manager information (shown as “*Sales Manger*”).
25. **Regarding dependent claim 23**, the claim is directed toward a method for the system of claim 10, and is rejected using the same rationale.
26. **Regarding dependent claim 24**, the claim is directed toward a method for the system of claim 9, and is rejected using the same rationale.
27. **Regarding dependent claim 25**, Pinard, Graham and Alcorn disclose a webpage generating system using a template from an application server combined with data from a personal database as described above. Pinard, Graham and Alcorn fail to disclose the web page containing information to enhance customer perception of the qualifications of the members of the sales force. Kitain discloses the use of information to enhance customer perception of the qualifications of the members of the sales force in Figure 8 at reference sign 872 (shown as “*Global Commitment ...*”).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to use information to enhance customer perception of the qualifications of the members of the sales force in the web page as taught by Kitain with the personal web page system of Pinard, Graham and Alcorn in order to “*provide the investors, portfolio managers and traders with additional information*

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*that would be useful in making investment decisions and recommendations” (Kitain, column 4, lines 15-18).*

28. **Regarding dependent claim 26**, the claim is directed toward a method for the system of claim 11, and is rejected using the same rationale.

### ***Response to Arguments***

29. Applicant's response filed 2/11/2009, failed to contain remarks or arguments related to the previous office action dated 1/8/2009.

### ***Conclusion***

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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August 10, 2009